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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,124	11/05/1999	EIICHI HOSHINO	0649-0706P-S	3521

7590 10/30/2002
BIRCH STEWART KOLASCH & BIRCH LLP
P O BOX 747
FALLS CHURCH, VA 220400747

EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 10/30/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/434,124

Applicant(s)

HOSHINO ET AL.

Examiner

Elena Tsoy

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 24 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3-11.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

1. Request for reconsideration filed on October 24, 2002 under 37 CFR 1.116 in reply to the final rejection has been entered and considered but is not deemed to place the application in condition for allowance.

Response to Arguments

2. Applicants' arguments filed October 24, 2002 have been fully considered but they are not persuasive.

(A) Applicants argue that JP 10179498 does not disclose a four layered cleaning sheet.

The Examiner respectfully disagrees with this argument. JP 10179498 does disclose a four layered cleaning sheet: a liquid-permeable supporting sheet 32, an active ingredient member 31, an isolating layer 33, and an adhesive member 33a (See Figs. 7, 9). Only difference between a cleaning sheet and claimed sheet is that that the adhesive member 33a in JP 10179498 covers only part of the isolating layer 33. As set forth in the Final Action, JP 10179498 teaches that the cleaning sheet can be conformed to the joint by using the adhesive layer covering either substantially entire surface of the cleaning sheet or using a water absorptive polymer in the central part of the cleaning sheet and the adhesive layer covering only edges of the cleaning sheet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied an adhesive member over the entire surface of a liquid-permeable isolating layer in a cleaning sheet of JP 10179498 instead of using a water absorptive

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polymer in the central part of the cleaning sheet, and the adhesive member on the edges of the isolating layer with the expectation of providing the desired deformation of the cleaning sheet to the shape of the joint.

(B) Applicants argue that since Thies et al disclose a method of forming discrete capsules that contain an active agent such as a pesticide and Thies et al fail to teach a four layered cleaning sheet, there is no motivation and expectation of success in combining JP 10179498 and Thies et al.

The Examiner respectfully disagrees with this argument. Thies et al disclose a method of forming discrete capsules for **controlling a release rate** of an active agent such as **mildew preventing agent** (See column 3, line 16) upon gradual fragmentation of formed capsules in **water-containing environment** (See column 7, lines 28-29). Therefore, one of ordinary skill in the art would clearly be motivated to use teaching of Thies et al in any application where an active agent is supposed to act for prolonged time period (including a cleaning sheet of JP 10179498) since Thies et al allow controlling release rate of the active agent.

As to reasonable expectation of success, one of ordinary skill in the art would certainly have reasonable expectation of success in applying the teaching of Thies et al to JP 10179498 since Thies et al teach forming capsules of *mildew preventing agent* which release the agent at controlled rate upon gradual fragmentation of formed capsules in *water-containing environment*, and JP 10179498' cleaning sheet comprises *mildew preventing agent* which is supposed to act for prolonged period of time in *water-containing environment*.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ET

Elena Tsoy
Examiner
Art Unit 1762

October 29, 2002



MICHAEL BARR
PRIMARY EXAMINER